

HOUSE BILL 1288

By Todd

AN ACT to amend Tennessee Code Annotated, Section 6-58-112 and Title 49, relative to local education agencies.

WHEREAS, the General Assembly enacted Chapter 115 of the Public Acts of 1925, giving birth to large school systems through the consolidation movement in public education; and

WHEREAS, Tennessee encouraged consolidation through laws governing student body size, prohibiting establishment of new school systems, and establishing funding policies to encourage consolidation within each county; and

WHEREAS, the premise that bigger schools and larger school systems necessarily produce cost efficiencies and successful student outcomes has come into question as research now demonstrates that, as school systems grow, classroom performance may actually decrease and per-pupil costs increase; and

WHEREAS, notwithstanding the earlier prohibition against establishing new school systems, since 2002 Tennessee has nevertheless created new types of schools - charter schools, achievement schools, and even virtual schools - thereby avoiding artificial barriers to innovation; and

WHEREAS, education reform and innovation will be further enhanced if the statewide prohibition against establishment of municipal school systems is abolished and local communities are, once again, granted the flexibility to assess and determine, on a case-by-case basis, the best path to greater cost efficiencies and more effective student outcomes; and

WHEREAS, the provisions of this act will in no way diminish the obligation of any newly created city school system to comply with all state requirements pertaining to K-12 public education, including requirements to ensure maintenance of effort; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-58-112(b), is amended by deleting the subsection in its entirety.

SECTION 2. Tennessee Code Annotated, Section 49-2-127(a), is amended by deleting the language "If a municipality is located within any county in which a transition planning commission has been created pursuant to § 49-2-502(b);" and by substituting instead the following:

If a municipality seeks to create a city school system;

SECTION 3. Tennessee Code Annotated, Section 49-2-127(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) The new city school system shall commence student instruction no earlier than August 1 following the commissioner's determination that:

(1) Rights and privileges protected by § 49-5-203 will not be impaired, interrupted or diminished;

(2) There is, or will be, timely compliance with state law pertaining to creation of city school systems, including § 49-2-106 and state board of education rules promulgated pursuant thereto; and

(3) The system has demonstrated, to the commissioner's satisfaction, its general readiness to commence student instruction.

SECTION 4. Tennessee Code Annotated, Section 49-5-203(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) The change in the governmental structure of a school system or institution through the process of annexation, unification, consolidation, abolition, reorganization, transfer of the control and operation of a school system or institution to a different type

governmental structure, organization or administration, or creation of a city school system shall not impair, interrupt or diminish the rights and privileges of a then existing teacher; and such rights and privileges shall continue without impairment, interruption or diminution.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.